HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.26933 of 2006

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Dated:27.12.2006

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Between:

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Bangaru Aruna Kumar.

…Petitioner

and

The Deputy Superintendent of Police, and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.26933 of 2006

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ORDER:

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The petitioner is a resident of Peddakakani Village and Mandal in Guntur District. He seeks a writ of mandamus declaring the action of the respondents in interfering with his peaceful enjoyment of life as violative of Article 21 of the Constitution of India.

It is the case of the petitioner that he was accused in Sessions Case No.26 of 1993 under Section 307 read with Section 34 of the Indian Penal Code, 1860 (IPC), and Sessions Case No.73 of 1997 under Section 302 of IPC and Section 5 of the Explosive Substances Act, 1908. He alleges that both these cases ended in acquittal, and in spite of the same, a rowdy sheet is opened against him. He alleges that the respondents are regularly threatening him with dire consequences and sending Constables, which is causing interference to the right of the petitioner under Article 21 of the Constitution of India.

The learned Government Pleader for Home after obtaining instructions from the Inspector of Police, Guntur Rural Police Station, second respondent herein, submits

that some of the residents of the Village lodged a complaint to the Superintendent of Police, Guntur, who endorsed the same to the third respondent, and even before enquiry is taken up on the complaint against the petitioner, the petitioner filed the present Writ Petition. Learned Government Pleader denies the allegation made by the petitioner that the Constables are threatening the petitioner.

Therefore, this Court observes that this Writ Petition is filed on a mere apprehension and unless and until the petitioner is required in connection with any cognizable offence, the petitioner cannot be subjected to any investigation.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

27.12.2006

vs